

**Group I** Claims 1-89 and 128-161, drawn to "structural compositions and methods of structuring compositions with a polymer, classified in class 424, subclasses, 401, 78.08.

**Group II** Claims 90-94, drawn to "sunscreen compositions, classified in class 424, subclass 59;"

**Group III** Claims 95-127, drawn to "make-up and lip compositions, classified in class 424, subclasses 63-64;" and

**Group IV** Claims 118-123, drawn to "a deodorant [sic], classified in class 424, subclass 65."

Applicants respectfully traverse the restriction requirement.

As an initial matter, Applicants respectfully note that each of the claims of Group IV is encompassed within Group III and that claims 118-123 are not, in fact, drawn solely to a deodorant product, as asserted by the Examiner. Therefore, Applicants have assumed that Group IV was erroneously included in this restriction requirement and request confirmation of their assumption. In order to be fully responsive to the restriction requirement, Applicants elect, with traverse, the subject matter of Group I, claims 1-89 and 128-161.

Further, for the record, Applicants respectfully disagree with the Examiner's characterization of the above groups of claims. Specifically, Applicants note that the following claims are encompassed within the above groups:

**Group I** Claims 1 to 89 and 128-161 are drawn to:  
- a structured composition (claim 1);  
- a cosmetic process for caring for, making up or treating a keratin material (claim 128);  
- a process of structuring a composition in the form of a self-supporting solid (claim 135);  
- a process of structuring a cosmetic composition in the form of a physiologically acceptable composition, which is rigid, self-supporting, wax-free, glossy and/or non-migrating (claim 144);  
- a process of making a cosmetic composition in the form of a physiologically acceptable composition, which is structured, rigid, self-supporting, wax-free, glossy and/or non-migrating (claim 150);

- a process of structuring a cosmetic composition in the form of a self-supporting solid (claim 156);
- a process for limiting the migration of a cosmetic composition (claim 157); and
- a process for limiting the migration of a cosmetic composition (claim 161);

**Group II** Claims 90-94 are drawn to a dermatological composition for at least one keratin material, a care composition for at least one keratin material, a make-up composition, a body hygiene composition, a sunscreen composition for at least one keratin material, and an after-sun composition for at least one keratin material; and

**Group III** Claims 95-127 are drawn to:  
- a make-up composition (claims 95 and 101);  
- a lip composition (claim 110); and  
- a mascara product, eyeliner product, foundation product, lip composition product, blush product, deodorant product, make-up-removing product, product for making up the body, eyeshadow product, face powder product or concealer product; a make-up stick (claim 118).

Applicants furthermore refer the Examiner to M.P.E.P. § 803, which sets forth the criteria and guidelines for examiners to follow in making proper requirements for restriction. The M.P.E.P. instructs the Examiner as follows:

If the search and examination of an entire application can be made without **serious burden**, the Office **must** examine it on the merits, even though it includes claims to distinct or independent inventions.

M.P.E.P. § 803 (emphasis added).

Here, the Examiner has not demonstrated that examining Groups I - III together would constitute a serious burden. For example, Groups I, II and III, when properly construed, are at least classified in the same class, which means the search for these groups of claims will at least substantially overlap, if not completely overlap. Thus, Applicants respectfully submit that the restriction requirement is in error and request that the requirement be withdrawn.

If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, he is invited to call the undersigned at (202) 408-4193.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P

Dated: October 23, 2001

By: Michele C. Bosch  
Michele C. Bosch  
Reg. No. 40,524